



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 30, 1995

Ms. Sandra C. Camacho
Assistant City Attorney
City of Dallas
Criminal Law and Police Division
City Hall
Dallas, Texas 75201

OR95-1328

Dear Ms. Camacho:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 36846.

The City of Dallas Police Department (the "department") has received a request for the arrest report pertaining to an arrest for possession of illegal drugs. You contend that because this case is still "ongoing," the information should be protected from disclosure under section 552.108. Section 552.108 excepts from disclosure:

- (a) A record of a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime
- (b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution

We have examined the information at issue and conclude that, except for "first page offense report" material contained therein, which *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976) held to be open, you may withhold it under section 552.108. See *Houston Chronicle Publishing Co.*; Open Records Decision No. 127 (1976).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd Reese". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Todd Reese
Assistant Attorney General
Open Records Division

Ref.: ID# 36846

Enclosures: Submitted documents

cc: Mr. George Martinez
8656 Park Lane #1107
Dallas, Texas 75231
(w/o enclosures)